

### **REMARKS**

As of the filing of the present reply, claims 1-20 were pending in the above-identified US Patent Application. Claims 10, 14-17 and 20 are currently withdrawn due an election requirement.

In the Office Action, the Examiner acknowledged Applicants' election of claims 1-9, 11-13, and 18-20, and advised that claim 20 is considered to also be drawn to a nonelected embodiment, such that claims 1-9, 11-13, 18 and 19 are currently under consideration. In addition, the Examiner rejected all of the elected claims under 35 USC §102 and/or §103. In the present reply, Applicants have amended the claims as set forth above. More particularly:

Independent claims 1, 14 and 18 have been amended to recite that the hose member (1) is adapted for installation as a flexible connection in a fluid transportation system (as disclosed at page 1, lines 20-21), the circumferential portion defines the outermost external surface of the hose member (1) and encloses the central region (10/11) (as disclosed at page 3, lines 15-22), and the internal diameters and wall thicknesses of the tubes (2) provide a compromise among compliance, strength and pressure drop of the hose member for use as the flexible connection in the fluid transportation system

(as disclosed at page 6, lines 16-19).

Independent claim 1 has been further amended to recite that the central region (10/11) is defined by either a longitudinal carrier (10) or a longitudinal central cavity (11), as recited in claims 10 and 14 and in claims 13 and 18, respectively.

Independent claims 14 and 18 have been further amended to recite the dimensions of the tubes as recited in claim 1.

Dependent claims 8-10 and 13 have been amended for consistency with their parent claim 1, and dependent claim 3 has been amended to correct a typographical error.

Finally, new claims 21 and 22 (which depend from claim 1) recite limitations that find support at page 2, lines 5-9.

Applicants believe independent claim 1 is still generic, and as now amended is generic to claims 2-22, such that all of claims should be prosecuted on the merits if claim 1 (or a subsequently presented generic claim) is finally held to be allowable.

Applicants respectfully believe the above amendments do not present new matter. Favorable reconsideration and allowance of claims 1-22 are respectfully requested in view of the above amendments and the following

remarks.

### **Rejections under 35 USC §102**

Independent claim 1 and its dependent claims 2, 4-7, 9, 11-13, 18 and 19 were rejected as anticipated by GB 838,070 assigned to Flexonics Corporation (Flexonics), independent claim 1 and its dependent claims 2, 3, 6, 11-13, 18 and 19 were rejected as anticipated by DE 10110706 to Holger, and independent claim 1 and its dependent claims 2, 3, 6-9, 11-13, 18 and 19 were rejected as anticipated by CH 321638 to Trevaskis. Applicants respectfully request reconsideration of these rejections in view of the amendments presented above as well as the following comments.

Applicants' amended independent claims require a hose member (1) having a central region (10/11) surrounded by a circumferential portion comprising a number of metal tubes (2) that are substantially parallel to each other, wound in a helical manner around a longitudinal axis of the hose member (1), and have internal diameters of about 1 to about 6 mm and wall thicknesses of about 0.1 and about 0.5 mm to provide a compromise among the compliance, strength and pressure drop of the hose member when used as a flexible connection in a fluid transportation system.

Flexonics discloses a hose 10 made up of a plurality individual tubes 12 helically wound together, and in one embodiment (Figure 10) the tubes 12 are located in a circumferential portion surrounding a central region 62. However, Flexonics does not disclose or suggest that there is a compromise that can be achieved for the compliance, strength and pressure drop of the hose 10 by narrowly limiting the internal diameters and wall thicknesses of the individual tubes 12 to that recited in Applicants' independent claims. Under MPEP §2131.03,

In order to anticipate the claims, the claimed subject matter must be disclosed in the reference with "sufficient specificity to constitute an anticipation under the statute."

Also,

An accidental or unwitting duplication of an invention cannot constitute an anticipation.

*Application of Felton*, 179 USPQ 295 (CCPA 1973).

Because Flexonics discloses nothing as to how or even why the internal diameters and wall thicknesses of the individual tubes 12 should be narrowly limited to the ranges claimed by Applicants, Applicants believe that Flexonics

cannot constitute an anticipation of Applicants' claimed invention as now recited in the independent claims. Applicants therefore respectfully believe that Flexonics does not anticipate any of the independent claims or claims depending therefrom, and therefore respectfully request withdrawal of the §102 rejection based on Flexonics.

Holger and Trevaskis also disclose hoses made up of a plurality individual tubes helically wound together, but also fail to disclose or suggest that there is a compromise that can be achieved for the compliance, strength and pressure drop of their hoses by narrowly limiting the internal diameters and wall thicknesses of the individual tubes. Furthermore, while Trevaskis was the only §102 reference applied to claim 8, Applicants believe that Trevaskis does not disclose the outermost external surface of the hose member as being closed and defined by tubes. In the embodiment of Figure 1 the outermost external surface of Trevaskis' hose is defined by a sleeve 13, and in the embodiment of Figure 2 the outermost external surface of Trevaskis' hose is not closed. Therefore, Applicants also respectfully request withdrawal of the §102 rejections based on Holger and Trevaskis.

### **Rejection under 35 USC §103**

Independent claims 1 and 18 and their dependent claims 2-9, 11-13, and 19 were rejected as unpatentable over U.S. Patent No. 2,832,374 to November. However, as with Flexonics, Holger and Trevaskis, November also fails to disclose or suggest that there is a compromise that can be achieved for the compliance, strength and pressure drop of the hose by narrowly limiting the internal diameters and wall thicknesses of the individual tubes. In addition, November's hose member 10 is not disclosed as having a central region that is defined by either a longitudinal core member or a longitudinal central cavity and enclosed by a circumferential portion surrounding the central region. Therefore, Applicants also respectfully request withdrawal of the §103 rejection based on November.

### **Closing:**

In summary, none of the applied references attempt to solve the problem addressed by Applicants, which is to provide a hose that exhibits a desirable balance of compliance, strength, and pressure drop. Applicants respectfully believe that, without recognition of the problem solved by Applicants, the prior art cannot suggest the solution taught by Applicants.

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Should the Examiner have any questions with respect to any matter  
now of record, Applicants' representative may be reached at (219) 462-4999.

Respectfully submitted,



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